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17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **OAKLAND DIVISION**

20 LAURI VALJAKKA,  
21  
22 Plaintiff,  
23  
24 v.  
25 NETFLIX, INC.,  
26  
27 Defendant.

Case No. 4:22-cv-01490-JST

**REPLY IN SUPPORT OF MOTION FOR  
LEAVE TO SUPPLEMENT SUMMARY  
JUDGMENT RECORD BASED ON  
ARGUMENTS RAISED AT THE  
HEARING UNDER RULE 56 (D) AND (E)**

Judge: Hon. Jon S. Tigar  
Date: February 15, 2024  
Time: 2:00 p.m.

Crtrm: 6 – 2nd Floor

1           **I.       INTRODUCTION**

2           Lauri Valjakka (“Valjakka”) files this reply in support of his request to supplement the  
3 summary judgment record, showing the Court Defendant Netflix’s response does not change that  
4 the issue was newly raised at oral argument and therefore this supplement is appropriate.

5           **II.       NETFLIX’S RESPONSE DOES NOT ESTABLISH A SUPPLEMENT ON**  
6 **COMITY IS NOT APPROPRIATE**

7           Netflix’s response<sup>1</sup> merely attempts to say the issue of comity was mentioned in a case that  
8 referred to another case.<sup>2</sup> However, Netflix did not raise the issue raise the *Akazawa* case in its  
9 Motion, only its reply.<sup>3</sup> Likewise, both parties cited the case not for a principal of comity but  
10 rather that foreign law can be used to decide ownership of a patent. Neither party briefed comity  
11 or its application in this case. Valjakka moved to supplement the record under Rule 59(e) in the  
12 interests of fairness and substantial justice to address this narrow issue.

13           **III.       FURTHER APPEALS OF FINNISH OWNERSHIP**

14           Netflix’s response also fails to refute the fact that the Court in the summary judgment  
15 hearing said that Valjakka should address the issue of ownership in Finnish Courts. Well, Valjakka  
16 is doing that through a filing in the Finnish Market Court. A delay of a few months to obtain a final  
17 ruling from the Finnish Market Court would serve the interests of justice. Netflix will not be  
18 prejudiced as it requested a delay in the trial date and the Court has only recently issued a new  
19 dispositive motion period with a new trial date.<sup>4</sup>

20           **IV.       CONCLUSION**

21           Valjakka respectfully requests that the Court grant it leave to file this brief supplement based  
22 on the new case discussed at the hearing.  
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27           <sup>1</sup> Doc. No. 245.

28           <sup>2</sup> *Id.* at 2-3.

<sup>3</sup> *Akazawa v. Link New Tech. Int’l, Inc.*, 520 F.3d 1354, 1357 (Fed. Cir. 2008).

<sup>4</sup> Doc. No. 247.

Respectfully submitted,  
**Ramey LLP**

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**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of December 11, 2023, with a copy of the foregoing via e-mail.

/s/William P. Ramey, III  
William P. Ramey, III